

Application Serial No. 10/046,185  
Amdt. dated July 10, 2003  
Reply to Office Action of March 31, 2003

**REMARKS**

Claims 1 to 7 are in the application and stand rejected under 35 U.S.C. §102(b) as anticipated by Pape, et al. The Examiner's comments made in the Office Action have been considered and, pursuant thereto, claims 1 to 3 are hereby cancelled and replaced by new claim 8, and claims 4, 6 and 7 are amended. Moreover, the Abstract of the Disclosure is revised in order to overcome the Examiner's objections.

New claim 8, and the amended claims 4, 6 and 7 which include claim 5 via dependency, defines an improved container plug attaching device which is operative for attaching a plug to the outlet, which outlet is defined by an opening having an upstanding annular flange of a container C for liquid beverages, or the like. The container plug attaching device of the invention comprises essentially a rotary shaft 31 carrying an anvil 33 which extends radially from the shaft and which carries a plug-engaging projection 61 extending from a clamping face 32 of the anvil. Drive means are provided which operate the rotary shaft 31 between plug supply means P and a sealing position with respect to the container opening disposed opposite a sealing member 36. The plug supply means includes a plug transport member (chute 35) and reciprocable delivery means 62 which are operable in timed sequence with the rotation of the shaft 31 for transferring a plug P from the chute 35 to the projection on the anvil. Thereafter, the drive means moves the anvil 33 to its sealing position with respect to the container C whereat means are provided for operating the sealing member 36 to attach the plug P to the container C.

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It is submitted that new claim 8 is clearly distinguishable in several material respects. First, the claimed anvil has a plug-engaging projection extending from its clamping face and, secondly, the plug supply means incorporates a reciprocable delivery means that operates in timed sequence with movement of the anvil for transferring a plug to the projection on the anvil as the anvil moves. As contrasted with the apparatus defined by claim 8, in Page, et al. the anvil 46 oscillates rather than undergoing movement induced by a rotary shaft. The anvil of Pape, et al. is further contrasted with the claimed invention in that it contains no plug-receiving projection but, rather, a recess forming a vacuum cup 48 which receives a plug 36. Finally, in Pape, et al. there is no reciprocable plug delivery means, such as that operated by the fluid pressure cylinder 72 of the present invention. Instead, an articulated, spring-operated delivery means of relatively complicated construction is utilized for moving a plug 36 to the vacuum cup 48 in the anvil 46.

Claims 4 to 7, as herein amended, each depend from new claim 8 and, consequently, are patentable over the cited reference for the same reasons given above in support of the patentability of new claim 8. These claims are further patentable over the cited Pape, et al. reference in that claim 4, which depends directly from claim 8, specifically defines details of the disclosed plug supply means which coacts with the projection on the anvil for transferring plugs therebetween. Claim 5 depends from claim 4 and recites details of the plug pushing out member 62, which are not shown

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by the reference patent. Claim 6 is clearly further distinguishable over Pape, et al., in that it recites apparatus which, for example, includes the pressure cylinder 45 and movable body 42 for extending the projection 61 on the anvil 33 through the container opening O, which device is absent from the patented arrangement.

Finally, claim 7, which depends from claim 8, recites specifics of the particular relationship between the anvil and the rotary shaft that are absent from the Pape, et al. arrangement.

For the foregoing reasons, it is submitted that the claimed invention clearly distinguishes over the reference relied upon in the rejection. The claims now in the application are accordingly submitted as being patentable and their allowance is therefore hereby respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure:     Abstract of the Disclosure  
                      Petition for Extension of Time

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